UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

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| UNITED STATES OF AMERICA, | * | |
| | * | |
| Plaintiff, | * | CASE NO. |
| | * | |
| v. | * | |
| | * | |
| VITALY NOVIKOV, | * | |
| | * | |
| Defendant. | * | |
| | * | |

# COMPLAINT

Plaintiff United States of America hereby files this Complaint against Defendant Vitaly Novikov, respectfully alleging as follows:

1. The Court has jurisdiction pursuant to 28 U.S.C. § 1345.

2. Defendant is a citizen of the Union of Soviet Socialist Republics (USSR), who is currently detained by the United States Department of Homeland Security, Immigration and Customs Enforcement in Lumpkin, Georgia, at the Stewart Detention Center (SDC). Defendant was ordered removed from the United States by the Immigration Court at SDC and reserved his right to appeal his removal order to the Board of Immigration Appeals (Board). Defendant has until May 18, 2017, to file an appeal with the Board.

3. Defendant is currently engaged in a hunger strike and is refusing nutrients necessary to sustain his life. Defendant is also occasionally refusing to cooperate with the medical staff at SDC, to wit: he has refused nutrients, medical tests, and medication necessary to sustain his life. See Declaration of Dr. Eugene G. Charbonneau, D.O., attached hereto as Exhibit A. Plaintiff has made reasonable efforts to persuade Defendant

to discontinue his hunger strike, to no avail. See Declaration of Alejandro E. Hernandez, attached hereto as Exhibit B.

4. Without the involuntary administration of nutrients, by nasogastric tube and/or intravenous feeding, Defendant's life is in danger.

5. Plaintiff intends to involuntarily administer nutrients to Defendant to sustain his life and to preserve order and security. Plaintiff also intends to perform laboratory tests and physical evaluations to monitor and assess Defendant's clinical condition (i.e., drawing of blood and urinalysis for laboratory testing, physical examination, and administration of medications, as necessary). Restraints may be needed to accomplish this involuntary monitoring, treatment, and administration of nutrients. See Exhibit A.

WHEREFORE, Plaintiff requests that the Court enter an order allowing Plaintiff to involuntarily administer nutrients to Defendant by nasogastric tube and/or intravenously to sustain Defendant's life and for such other relief as the Court may deem appropriate.

Respectfully submitted this 11th day of May, 2017.

G. F. PETERMAN, III
UNITED STATES ATTORNEY

By: /s/ W. Taylor McNeill
W. Taylor McNeill
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CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2017, I electronically transmitted the United States' **Complaint** to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants: N/A

I further certify that on May 11, 2017, I served the attached document by in-person delivery or first-class mail on the following non-CM/ECF participant:

Vitaly Novikov
A070 226 146
c/o Stewart Detention Center
146 CCA Road
P.O. Box 248
Lumpkin, GA 31815

Respectfully submitted his 11th day of May, 2017.

G. F. PETERMAN, III
UNITED STATES ATTORNEY

By: /s/ W. Taylor McNeill
W. Taylor McNeill
Assistant United States Attorney